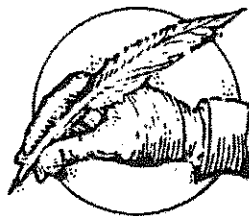


Exhibit D

In The Matter Of:
Dustin Erwin v.
Christopher McDermott, et al.

John Ferraro
August 21, 2012

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1 individuals were in a given group when there's a
2 bachelor party?
3 A. No.
4 Q. Do you know as you sit here today one
5 way or the other whether Mr. Erwin was part of a
6 bachelor party?
7 A. I knew he had a group. Whether or not
8 it was a bachelor party, I wouldn't know that.
9 Q. You don't know that one way or the
10 other?
11 A. No.
12 Q. You don't recall any of the people
13 that he was with as you sit here?
14 A. No.
15 Q. In fact, you say you don't recall his
16 physical appearance either, if I understood you
17 correctly?
18 A. No. It's just too far when I found
19 out about this.
20 Q. I am correct you do not recall his
21 appearance?
22 A. No, I do not.
23 Q. I'm trying to avoid the double
24 negative. It's as simple as that.

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1 You don't recall?
2 A. I don't recall.
3 Q. I don't mean to beat it to death.
4 What is the first action, if any, that
5 you personally took with respect to these
6 complaints?
7 A. I approached, I guess it was
8 Mr. Erwin. He was pointed out to meet by the
9 employees, and I made him aware of the
10 complaints and I told him, you know, if I got
11 anymore of those complaints, he may be asked to
12 leave the club.
13 Q. What did he say?
14 A. He just kind of turned away from me.
15 He didn't really acknowledge it.
16 Q. Did anybody else in his party say
17 anything to you?
18 A. No, not at that time, no.
19 Q. What happened next, if anything?
20 A. I went back -- I was kind of keeping
21 an eye on him. I was standing at the front
22 door. I did observe him throw a few more coins,
23 and I could hear him yelling things at the girls
24 onstage. There were a few more girls that got

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1 off stage and said he was previously abusing
2 them verbally as well, and I witnessed it
3 myself.
4 I approached him again and told him
5 again, I'm not going to tell you again, you will
6 be asked to leave if this behavior keeps up. We
7 just can't have it.
8 He continued to do it because -- I was
9 back out in the lobby. The next girl got off
10 stage, came back to me and complained, and at
11 that point --
12 Q. Do you know her name?
13 A. I don't.
14 Q. Can you actually tell me the whole
15 conversation between you and her?
16 A. Again, same thing, he's calling us --
17 calling all the girls names that are onstage
18 and, again, whore, sluts was the predominant
19 thing that people were saying.
20 Q. What's the next thing that happened?
21 A. At that point after that complaint I
22 approached Mr. Erwin and told him it was time to
23 go.
24 Q. You personally?

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1 A. Yes.
2 Q. Tell me everything you can recall
3 about that encounter, please.
4 A. I went up to him, asked him to leave,
5 and he peacefully left. I didn't think there
6 would be any problems. He walked right out.
7 His friends, which was kind of weird,
8 knew he was leaving. And usually if we ask
9 someone to leave, their friends accompany them.
10 It struck me as odd because they just let him
11 go. They didn't really care.
12 MR. SINSHEIMER: It just occurred
13 to me, Mr. Berman, that we didn't put routine
14 stipulations on because I'm trying to do you the
15 courtesy of going so fast. Do you agree we have
16 them non pro tunc?
17 MR. BERMAN: Yes.
18 MR. SINSHEIMER: Okay. So I'm
19 moving to strike they didn't care because he
20 doesn't know whether they care or not, but we'll
21 save that for another time.
22 MR. BERMAN: How right you are. I
23 join in your motion.
24 MR. SINSHEIMER: Routine objections

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1 Q. Fair enough.
2 How many different ones are there?
3 A. **There's right now three or four, four.**
4 Q. And how do they decide what shifts
5 they're working -- strike it.
6 Who decides what shifts they work?
7 A. **They work it out between themselves.**
8 **That's one thing that we don't do is schedule**
9 **for them. They work it out amongst themselves.**
10 Q. So you could come on a given night and
11 not know who the house mom is going to be?
12 A. **It's never happened where there wasn't**
13 **one, so they work it out.**
14 Q. No, I meant -- but you wouldn't know
15 which one?
16 A. **I'm pretty aware usually of who will**
17 **be there. I see them at the beginning of the**
18 **week, and I ask who will be there for the week,**
19 **and they tell me.**
20 Q. How do they get paid?
21 A. **They get paid --**
22 **MR. PHAFF:** Is this the house moms?
23 **MR. SINSHEIMER:** Yes.
24 A. **By check.**

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1 Q. But I meant hourly?
2 A. **Hourly.**
3 Q. So they keep track of their own hours?
4 A. **Yes.**
5 Q. Punch a clock?
6 A. **They don't, no.**
7 Q. They come and go, and they're sort of
8 on the honor system, for lack of a better
9 phrase?
10 A. **Pretty much. I mean, I know what**
11 **nights they're there, and they get paid for --**
12 **their shift goes from 6 approximately until 2**
13 **p.m. on a weekend, 6 to 1 on a weeknight, and I**
14 **pay them for those hours.**
15 **MR. BERMAN:** You just said 6 p.m.
16 to 2 p.m. --
17 **THE WITNESS:** I meant 6 p.m. to 2
18 a.m., sorry, on the weekend.
19 **BY MR. SINSHEIMER:**
20 Q. And you have no recollection of who
21 the house mom was on August 10th?
22 A. **No.**
23 Q. And if I understood you correctly, but
24 I want to be careful about this because I'm not

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1 trying to put words in your mouth, you have no
2 recollection of the name of any individual that
3 actually complained about Dustin Erwin?
4 A. **No.**
5 Q. I am correct, in other words?
6 A. **You are correct.**
7 Q. But your recollection is that each
8 person who complained was an entertainer as
9 opposed to floor staff?
10 A. **Yes.**
11 Q. Do you remember the nature of any
12 complaints?
13 A. **Yes.**
14 Q. What were the complaints?
15 A. **He was standing near the foxy stage.**
16 **We have two stages on the main floor. One is**
17 **the main stage, one is the foxy stage. The foxy**
18 **stage is located close to the bar.**
19 **And there were entertainers that were**
20 **getting off stage and complaining to me that he**
21 **was yelling words such as fucking slut, fucking**
22 **whore and also throwing hard coins at them while**
23 **they were onstage.**
24 Q. So he was pointed out to you?

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1 A. **Yes.**
2 Q. Were you able to observe any of his
3 friends?
4 A. **I knew he had friends there. There**
5 **were a lot of people around the stage, and I**
6 **knew he was talking to several people, but I**
7 **couldn't exactly say who his friends were and**
8 **who were just regular patrons of the club.**
9 Q. Would you agree with me that the Foxy
10 Lady generates some patronage as a result of
11 bachelor parties?
12 A. **I'm sorry, one more time?**
13 Q. I'll withdraw it and rephrase it.
14 It's not uncommon for there to be
15 bachelor parties at the Foxy Lady?
16 A. **That is not uncommon.**
17 Q. In fact, that would be an area of
18 business that you would like to enhance or
19 preserve?
20 A. **Not necessarily.**
21 Q. It's good business, let's put it that
22 way, a big group comes in together?
23 A. **Yeah, it can be.**
24 Q. Is there any way of knowing how many